



CALIFORNIA MOTOR CAR DEALERS ASSOCIATION

GOVERNMENT AFFAIRS OFFICE

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July 1, 2002

Mr. Gary Flamm
Contract Manager
California Energy Commission
1516 Ninth Street, MS-26
Sacramento, CA 95814

Re: Comments on the California Outdoor Lighting Standards Proposal

Dear Mr. Flamm:

The California Motor Car Dealers Association (CMCDA) is a statewide trade association that represents the interests of over 1400 franchised new car and truck dealer members. CMCDA members are primarily engaged in the retail sale and lease of new and used motor vehicles, but also engage in automotive service, repair and part sales. We are writing to submit comments in response to the California Energy Commission's (CEC) proposed outdoor lighting standards as recently set forth in the "Outdoor Lighting Research" report dated June 6, 2002.

Our dealer members acknowledge that Senate Bill 5x requires the CEC adopt efficiency standards for outdoor lighting that shall be "technologically feasible and cost effective." I have attended both the March and June workshops and appreciate the hard work of the CEC staff and consultants in drafting the report and the accompanying documents.

Based on the information prepared in support of this new regulatory mandate, we have the following concerns:

SB 5x called for efficiency standards, not light reduction rules. As presented at the workshop in Sacramento on June 18th, the proposal "restricts the wattage of lighting permitted for outdoor sales areas not covered by canopies or other shelters." While the report makes clear that the proposed standards are based on the recommendations of the Illuminating Engineering Society of North America (IESNA), there is no mention in the report as to how and why the recommendations were derived. Should the CEC secede its regulatory authority to unknown IESNA members? Sales of new cars is a highly competitive business

and how well the product is presented to passing motorists is a crucial component of many dealers retail environment. Who is IESNA to say how much light is needed to display a new car or truck? (In fact, as evidenced in a footnote in the March 15, 2002 "Measure Identification Report" it appears that IESNA cannot even agree with itself. RP-33-99 supports the lower standard proposed by the CEC, while RP-2-01, the latter standard proposed by the IESNA Merchandise Lighting Committee, suggests higher standards but is ignored by the report.)

2. Sacrificing safety and security in the name of efficiency. Last year CMCDA dealer members sold 2,083,260 new cars and trucks and an additional 1.9 million used cars and trucks. In the aggregate they generated \$93 billion in 2001 total dealership sales and paid or collected \$5.28 billion in federal, state, and local taxes. The new car business comprises 20 percent of California's retail economy.

New car dealers are unique among retailers in that on any given day new car dealers have millions of dollars of vehicle inventory sitting on open-air lots vulnerable to theft and vandalism. The primary reason for dealer inventory lighting is not retail marketing, but safety and security. For example, after a number of our dealer members dimmed their night inventory lights during last year's energy crisis, inventory theft and vandalism at those dealerships spiked. In addition, many consumers like to browse dealership lots after hours and when sales personnel are not present. Late night browsers raise a myriad of safety concerns. Governor Davis' Executive Order D-19-01, which requires all retail establishments (including auto malls and dealerships) to substantially reduce maximum outdoor lighting capability during non-business hours, contains a specific exemption for "the health and safety of the public, employees, or property".

The research report is completely devoid of any discussion of light for safety and security lighting purposes and contains no recommended exemptions for this important issue. For example, "Measure 7 – Outdoor Sales Areas" pays lip service to the unique needs for auto frontage lighting, but makes no allowance for the safety of customers on such lots, nor the security for the vehicles themselves. Instead, "cost effectiveness" to the extent it is mentioned at all, is analyzed only in terms of the cost of light bulbs and fixtures. What about increased insurance costs due to the increased likelihood of vehicle theft and vandalism if dealer lots are not well lit? What about liability concerns if an individual is injured or accosted on a dimly lit vehicle lot?

3. The research report was completed *before* the PIER study was finished. The research report mentioned previously is quite detailed in describing proposed lighting zones and very specific standards applicable to a whole range of outdoor areas—from gas station canopies to outdoor sales areas. Yet, we were told the PIER outdoor lighting survey of *existing* lighting usage throughout California will

not be completed until "late this summer." Shouldn't the CEC review the current usage of lighting *before* proposing how much light is "enough?"

4. Curbing light pollution is not a basis for these standards. The research report notes in the "rationale" section that "poorly designed outdoor lighting can result in community and social problems, such as light trespass and light pollution." In fact, the report repeatedly makes reference to the benefits of stringent lighting efficiency standards. Despite this, the report reluctantly acknowledges that while "light pollution and trespass are important, the proposed standards are justified only from energy savings and peak demand reductions, as directed by statute." We believe that despite this acknowledgement, support of groups such as the International Dark Skies Association for the proposal is evidence that more than technical feasibility and cost effectiveness are behind the recommended standards. This agenda, while perhaps laudatory, has no basis in statute and reference to it in the rationale section of the research report raises questions about the motivation behind the proposed rules, particularly for lay people not well versed in IESNA standards, foot candles and other technical terms.

As I testified at the March 27th workshop, our dealer members are not opposed to having efficient lighting; the question is whether the lighting standards will allow for meeting the retail, safety and security needs of dealers and their customers. We will continue to closely monitor the progress of these proposed standards and look forward to reviewing the draft regulatory proposal in the near future.

Thank you for your consideration of our comments.

Sincerely,



Brian Maas

Government & Legal Affairs Counsel

cc: Members of the California Energy Commission
The Honorable Byron Sher
Ralph Simoni, California Advocates, Inc.